THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 19456 of 2005

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Dated:13.09.2005

Between:

T.L.B. Pavan Kumar, S/o. T. Lakshmi Prasad,
R/o B-32, Pattigadda Colony, Begumpet, Secunderabad.

..... PETITIONER

AND

The Secretary to Government of A.P., GAD Accommodation-B

Department, Secretariat, Hyderabad, and another.

.....RESPONDENTS

ORDER:

The petitioner is working as Record Assistant in the Registry of A.P.High Court. He was appointed on 01.03.2005. His father retired as Court Officer of this Court on 31.12.2004. He was allotted Government quarters bearing No.B-32 at Pattigadda Colony, Begumpet, Secunderabad. After retirement of his father in December 2004, the petitioner made an application for allotment of C-Type quarter. The same was returned by the Government on 14.07.2005 advising the petitioner to furnish service particulars in the prescribed proforma duly counter signed by the concerned officer. Accordingly, the petitioner resubmitted his application for allotment of C-Type Government quarter. In his application the petitioner also requested the Government to continue him to occupy quarter No.B-32 till he is allotted a quarter as per his eligibility in terms of proviso to Rule 4(9) of the Allotment of Government Quarters Rules, 1973 (the Rules). Be that as it is, the second respondent passed orders against the petitioner's father under the provisions of the Andhra Pradesh Public Premises (Eviction of unauthorized occupants) Act, 1968, on 12.07.2005. Therefore, the present writ petition is filed seeking a direction to the respondents to permit the petitioner to continue and occupy Quarter No.B-32.

Rule 3 of the Rules deals with classification of quarters and categories of officers who shall be eligible for allotment of such quarters. Three room tenements

described as B-Type quarters can be allotted to Gazetted Officers, Sections Officers of Secretariat and/or Superintendents. Therefore, the petitioner being a Record Assistant is not eligible for allotment of B-Type quarters. As per Rule 5, a Record Assistant/ attender/ driver and class IV employees are eligible for allotment of Single Room tenement described as D-Type quarters. A reference may also be made to the proviso of Rule 4(9) of the Rules, which confers eligibility on the spouse, sons and daughters of retired Government Servants for allotment of the Government quarter according to their eligibility on out of turn basis. The same reads as under.

> The spouse, sons and daughters of retired Government Servants are also eligible for allotment of Government quarters according to their eligibility on out of turn basis, if they are in Government Service irrespective of the fact whether their employment is regular or temporary, and if their place of duty is in greater Hyderabad.
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> Provided that if the prospective allottee coming under sub-rule (8) of sub rule (9) is not eligible for the allotment of the quarter of the original allottee, he/she will be allowed to reside in that quarter temporarily till he/she is allotted a quarter according to his or her eligibility.

The learned counsel for the petitioner, Mr. Venkata Mayur, vehemently contends that the petitioner being the Government servant staying with his father is entitled for the allotment of the quarter on out of turn basis. He however, does not dispute that the petitioner being Record Assistant is not eligible for allotment of B-type quarter. The petitioner is eligible for allotment of only D-Type quarter. To enable the petitioner to come forward with specific details of vacant D-Type quarters, the matter was adjourned and the petitioner was also directed for an undertaking as he prayed for some time for vacating the quarter.

Today the matter is called. The undertaking given by the petitioner is filed before this Court. In this undertaking the petitioner prayed for time up to 15.10.2005 for vacating Quarter No.B-32. Insofar as the allotment on out of turn basis is concerned, the petitioner cannot be allotted Quarter No.B-32 at Pattigadda Colony, Begumpet, Secunderabad, on out of turn basis.

Accordingly, the writ petition is disposed of granting time till 15.10.2005 to vacate the quarters. In case he fails to vacate the quarter it shall be open to the respondents to initiate contempt proceedings and/or evict the petitioner in appropriate manner. No costs.

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(V.V.S.RAO, J)

13.09.2005

Note: Issue C.C in two days.

B/o.

vs